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EXAMINER				
INGVOLDSTAD, BENNETT				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/561,924

**Applicant(s)**

TSUSAKA ET AL.

**Examiner**

BENNETT INGOLDSTAD

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)
- Paper No(s)/Mail Date 12/22/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan (US 2003/0093790).

Claim 1: Logan discloses a contents storage system including: a home server apparatus for recording therein contents (device for playing/storing video at user location 141 [Fig 1] [para 0052]); and an information supply apparatus for supplying the home server apparatus with section information that shows how the contents are each divided into sections (device at remote site 101 for creating metadata including segment information [para 0046]),

the information supply apparatus comprising:

a storage unit operable to store therein a plurality of pieces of section information corresponding to a plurality of contents (section metadata may be stored [para 0046] in remote location storage [Fig 1]); and

a supply unit operable to read first section information, which corresponds to a content recorded in the home server apparatus, from the storage unit and supply the home server apparatus with the first section information [para 0046], the home server apparatus comprising:

a contents recording unit operable to acquire and record the content [para 0053];

a receiving unit operable to receive the first section information from the information supply apparatus [para 0054];

a generating unit operable to generate second section information corresponding to the recorded content (second segment information may be generated at the user location [para 0094] by generator 180 and used in combination or instead of first segment information [para 0048]); and

a section information recording unit operable to record therein either the first section information or the second section information, as being in correspondence with the recorded content [para 0058].

Claim 2: Logan discloses a home server apparatus for receiving section information (device for playing/storing video at user location 141 [Fig 1] [para 0052]), which shows how contents are each divided into sections [para 0046], from an information supply apparatus [para 0046], the home server apparatus comprising:

a contents recording unit operable to acquire and record a content [para 0053];

a receiving unit operable to receive first section information, which corresponds to the recorded content, from the information supply apparatus [para 0054];

a generating unit operable to generate second section information corresponding to the recorded content (the segment information may be generated at the user location [para 0094] by generator 180); and

a section information recording unit operable to record therein either the first section information or the second section information, as being in correspondence with the recorded content [para 0058].

Claim 3: Logan discloses the home server apparatus of Claim 2, wherein

each content is theoretically divided into meaningful sections that are each cohesive in substance [para 0067], and

sections indicated by the first section information are more close to meaningful sections of the recorded content than sections indicated by the second section information in length (the user may create the second metadata [para 0094], thus the user-generated second section information may be less close in length than the first automated section information according to user input).

Claim 19: Logan discloses an information supply apparatus for supplying a home server apparatus with section information that shows how contents are each divided into sections (device at remote site 101 for creating metadata including segment information [para 0046]), the information supply apparatus comprising:

- a storage unit operable to store therein a plurality of pieces of section information corresponding to a plurality of contents (section metadata may be stored [para 0046] in remote location storage [Fig 1]);

- a receiving unit operable to receive, from the home server apparatus, identification information for identifying a predetermined content stored in the home server apparatus (receiving metadata selection [para 0047]); and

- a supply unit operable to, if a piece of section information corresponding to the predetermined content identified by the received identification information is stored in the storage unit, read the piece of section information from the storage unit and supply the home server apparatus with the read piece of section information [para 0047].

Claim 20: Logan further discloses the information supply apparatus of Claim 19 further comprising:

- a judging unit operable to judge whether to supply the home server apparatus with the piece of section information corresponding to the predetermined content, based on criterion information which is used for the judgment (preference data and ratings are used to select which metadata to transmit [para 0127]), wherein

the receiving unit further receives the criterion information from the home server apparatus [para 0096], and

the supply unit supplies the home server apparatus with the piece of section information corresponding to the predetermined content if the judging unit judges positively [para 0096].

Claim 21: Logan further discloses the information supply apparatus of Claim 20, wherein

the criterion information indicates a level of performance of the home server apparatus (a desired rating of the user of the home server [para 0127]), and

the judging unit judges negatively if the level of performance indicated by the criterion information is equal to or higher than a level of performance stored in the storage unit, and judges positively if the level of performance indicated by the criterion information is lower than the level of performance stored in the storage unit (the metadata is sent if it meets the preference criteria [para 0096]).

Claim 22: Logan further discloses the information supply apparatus of Claim 19, wherein

the content is distributed by television broadcasting [para 0043],

the identification information indicates (i) a channel that is a distribution source of the content [para 0080] and (ii) a broadcast time of the content [para 0080],

the supply unit reads, from the storage unit, a piece of section information that corresponds to a content identified by the channel and the broadcast time indicated by the identification information, and supplies the home server apparatus with the read piece of section information (reading and transmitting metadata from storage [para 0046]).

Claim 23: Logan discloses an integrated circuit for a home server apparatus that receives section information (integrated circuit for playing/storing video at user location 141 [Fig 1] [para 0052]), which shows how contents are each divided into sections [para 0056], from an information supply apparatus, the home server apparatus including a storage unit (storages 143, 147, 153, 163 [Fig 1]), the integrated circuit comprising:

- a recording unit operable to record a content into the storage unit [para 0052];
- a receiving unit operable to receive first section information, which corresponds to the recorded content, from the information supply apparatus [para 0054];
- a generating unit operable to generate second section information corresponding to the recorded content (the segment information may be generated at the user location [para 0094] by generator 180); and
- a section information recording unit operable to record either the first section information or the second section information in the storage unit, as being in correspondence with the recorded content [para 0058].



Claim 24: Logan discloses a program for causing a computer to execute a process of recording contents (program for playing/storing video at user location 141 [Fig 1] [para 0052]) and section information that shows how the contents are each divided into sections, into a storage apparatus [para 0056], the program comprising:

- a recording step for recording a content into the storage apparatus [para 0052];

- a receiving step for receiving first section information, which corresponds to the recorded content, from an information supply apparatus for supplying the section information [para 0054];

- a generating step for generating second section information corresponding to the recorded content (the segment information may be generated at the user location [para 0094] by generator 180); and

- a section information recording step for recording either the first section information or the second section information into the storage apparatus, as being in correspondence with the recorded content [para 0058].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US 2003/0093790).

Claim 4: Logan discloses the home server apparatus of Claim 3, wherein the first section information is generated based on amounts of a plurality of types of characteristics detected through analysis of images and audio information contained in the recorded content [para 0067].

Logan does not further disclose that the generating unit generates the second section information based on amounts of less types of characteristics than the types of characteristics on which generation of the first section information is based.

Logan teaches that it is desirable to generate metadata based on less types of characteristics than the types of characteristics on which generation of the first section information is based (e.g., based only on audio [para 0069]).

It would have been obvious for the user-generated second section information [0094] to have been generated based on less types of characteristics than the types of characteristics on which generation of the first section information is based for the purpose of generating audio segments that do not correlate to video segments [para 0069].

Claim 5: Logan discloses the home server apparatus of Claim 4, wherein

the generating unit generates the second section information based on amounts of audio detected through analysis of audio information contained in the recorded content [para 0069].

5. Claims 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US 2003/0093790) in view of Murphy (US 7159234).

Claim 6: Logan discloses the home server apparatus of Claim 2, wherein the receiving unit includes:

a requesting sub-unit operable to request the information supply apparatus to supply the first section information by sending identification information for identifying the recorded content to the information supply apparatus [para 0096]; and

a receiving sub-unit unit operable to receive the first section information from the information supply apparatus [para 0096], wherein

the section information recording unit records therein the first section information as being in correspondence with the recorded content if the information supply apparatus supplies the home server apparatus with the first section information [para 0093], and records therein the second section information as being in correspondence with the recorded content if the information supply apparatus does not supply the home server apparatus with the first section information [para 0094].

Logan further discloses that the second section information may be used instead of the first section information [para 0048], but Logan does not further disclose that:

the generating unit generates the second section information only if the information supply apparatus does not supply the home server apparatus with the first section information in response to the requesting.

Murphy discloses it was well known to use a backup generator or server only if a primary generator or server is not available [col. 1, l. 13-29].

It would have been obvious to have modified the second section generation unit, usable instead of the first section generation unit [para 0048], to have been a backup generation unit, generating section information only when the first generation does not respond to requesting, for the purpose of continuing operation in the event of a network problem or failure.

Claim 7: Logan discloses the home server apparatus of Claim 6, wherein

the requesting sub-unit further sends criterion information, which is used for judging whether the first section information can be supplied (a criterion of whether the metadata matches a user's preferences [para 0096]), together with the identification information to the information supply apparatus (identification of a particular program [para 0096]), and

the section information recording unit records therein the first section information as being in correspondence with the recorded content only if the

information supply apparatus judges based on the criterion information that the first section information can be supplied and the receiving sub-unit receives the first section information from the information supply apparatus (if the metadata is selected and transmitted to the user [para 0096]).

Claim 8: Logan discloses the home server apparatus of Claim 7, wherein the criterion information sent by the requesting sub-unit indicates a level of performance of the generating unit in generating the section information (preference data may include rating data for selecting highly rated metadata [para 0127]).

Claim 9: Logan discloses the home server apparatus of Claim 6, wherein each piece of section information indicates each section of each content by a start time of each section [para 0054], and the generating unit generates the second section information by determining the start time of each section through analysis of the recorded content [para 0097, 0100].

Claim 10: Logan discloses the home server apparatus of Claim 9 further comprising:

a time correcting unit operable to correct the start time of each section indicated by the first section information (parsing unit for parsing the broadcast

into sections [para 0054]) by: receiving from the information supply apparatus (i) a portion of audio data of a content identified by the identification information (portion of a broadcast corresponding to metadata sections [para 0054]) and (ii) a reproduction time for the portion of audio data, the reproduction time having been measured by a same clock that has measured start times indicated by the first section information (a reproduction time determined by the start and end times [para 0054]); calculating a difference between (iii) a reproduction time for the portion of audio data of the recorded content and (iv) the reproduction time received from the information supply apparatus (applying time offsets [para 0081]); and correcting the start times indicated by the first section information by the calculated difference [para 0080, 0081].

Claim 11: Logan discloses the home server apparatus of Claim 9 further comprising:

a selecting unit operable to select one of sections indicated by a piece of section information that has been recorded in the section information recording unit in correspondence with the recorded content [para 0056]; and

a reproducing unit operable to reproduce the recorded content from a start time of the selected section [para 0056].

Claim 12: Logan further discloses the home server apparatus of Claim 11, wherein

the section information indicates, for each section, a characteristic image display time being a time at which an image, which is used to determine what each section concerns, is displayed [para 0236, 0237],

the home server apparatus further comprising: a presentation unit operable to display, as a list, images that are to be displayed at characteristic image display times indicated by the section information [para 0236, 0237], wherein

the selecting unit selects a section that corresponds to an image that a user selects from the displayed list of images [para 0236, 0237].

Claim 13: Logan further discloses the home server apparatus of Claim 6, wherein

the information supply apparatus stores a plurality of pieces of section information for each content (metadata generated by multiple users [para 0095]),

the requesting sub-unit further sends selection criterion information, which is used by the information supply apparatus to select a piece of section information, to the information supply apparatus (e.g., a criterion of a particular program [para 0096]), and

the receiving sub-unit receives a piece of section information that was selected based on the selection criterion information, from the information supply apparatus [para 0096].

Claim 14: Logan further discloses the home server apparatus of Claim 13, wherein

the information supply apparatus stores a plurality of pieces of section information for each content, the plurality of pieces of section information respectively corresponding to a plurality of broadcasting areas [para 0132], and the selection criterion information indicates a broadcasting area to which the home server apparatus belongs [para 0132].

Claim 15: OFFICIAL NOTICE is taken that communicating in a half duplex manner so that upstream and downstream communication is not simultaneously possible was well known in the art at the time of the invention. It would have been obvious to have used a half duplex communication method in the system of Logan in view of Murphy for the purpose of using less expensive or simpler components.

Therefore, Logan in view of Murphy, further in view of the OFFICIAL NOTICE, discloses the home server apparatus of Claim 15, wherein

the requesting by the requesting sub-unit is inhibited while the contents recording unit is recording a content, and is executed after the contents recording unit records a content (half duplex systems alternate one-way communication),

the generating unit generates third section information while the contents recording unit records a content (the user location generating unit is used since the primary generator is unavailable to receive requests [Murphy col. 1, l. 13-29]), the third section information corresponds to sections of the currently recorded



content that have already been recorded by the contents recording unit  
(generating metadata at user location [para 0138, 0139]), and

the section information recording unit records therein the third section information as being in correspondence with the currently recorded content if the contents recording unit is in the middle of recording the content, and records therein the first section information as being in correspondence with the content if the first section information is supplied after the content is recorded [para 0048].

Claim 16: Logan in view of Murphy further discloses the home server apparatus of Claim 6 further comprising:

a communication judging unit operable to judge whether a communication with the information supply apparatus is possible (judging whether a primary server/generator is available [Murphy col. 1, l. 13-29]), wherein

if the communication judging unit judges that a communication with the information supply apparatus is not possible, the requesting by the requesting sub-unit is inhibited (switching to the secondary server/generator [Murphy col. 1, l. 13-29]),

the generating unit generates the second section information, and the section information recording unit records therein the second section information as being in correspondence with the recorded content [para 0138, 0139].

6. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US 2003/0093790) in view of Murphy (US 7159234), further in view of York (US 2008/0040341).

Claim 17: Logan further discloses the home server apparatus of Claim 6 further comprising:

a request receiving unit operable to receive from another home server apparatus (i) identification information for identifying a predetermined content stored said another home server apparatus (an address for a metadata [para 0222], and (ii) criterion information to be used for judging whether a piece of section information for the predetermined content can be supplied (recommendations, ratings, etc. [para 0227]);

a judging unit operable to judge based on the criterion information whether to supply said another home server apparatus with the piece of section information for the predetermined content [para 0227]; and

a supply unit operable to supply said another home server apparatus with the piece of section information for the predetermined content if the judging unit judges positively and the piece of section information for the predetermined content is stored in the section information recording unit (retrieving the metadata [para 0222]), wherein

Logan in view of Murphy does not further disclose:

if the judging unit judges positively and the piece of section information for the predetermined content is not stored in the section information recording unit, the generating unit generates the piece of section information for the predetermined content, and the supply unit supplies said another home server apparatus with the piece of section information for the predetermined content.

York discloses generating and supplying information when it is determined that the information is not stored after a request for the information is received [para 0032].

It would have been obvious to have modified the generating unit of Logan in view of Murphy so that it generates and supplies section information metadata when another user apparatus (client) requests the metadata from the apparatus containing the generating unit (server) and the section information is not stored at the server, for the purpose of providing the requested data to the client even when the data is not already stored by the server apparatus.

Claim 18: Logan further discloses the home server apparatus of Claim 17, wherein

the criterion information indicates a level of performance of said another home server apparatus (a rating [para 0103]), and

the judging unit judges negatively if the level of performance of said another home server apparatus indicated by the criterion information is equal to or higher than a level of performance of the home server apparatus, and judges positively

if the level of performance of said another home server apparatus is lower than the level of performance of the home server apparatus (desired ratings determine whether the metadata is selected [para 0103]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENNETT INGOLDSTAD whose telephone number is (571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623